

MT LEGISLATIVE HISTORY

24-

19

Chapter 219 19 85

Bill (H) 384 S _____

Original bill & hist. ☒ C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) Feb 12 ☒ C

Hearing Date(s) Mar 19 ☒ C

Feb 14 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out _____ ☐ C

Mar 19 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CHAIRMAN--FULLER, DAVE
NORMAL SCHEDULE==> SITE: ROOM 405

DAYS: TU-TH-SAT

TIME: 12:30-2:30 P.M.

SECRETARY-GHILARDI, CHERYL

--BILL NO--	--REFER DATE--	--HEARING DATE--	--CONSIDERATION DATES--	--COMMITTEE ACTION--	--REREFERRED TO COMM--	--DATE OUT--
HB0248	2/07	3/09		TABLED		
SCHYE, TED			LOCAL GOVERNMENT DEPOSIT SECURITY NET WORTH TO TOTAL ASSETS RATIO			
HB0263	1/30	3/09		CONCUR AS AMENDED		3/9
PISTORIA, PAUL G.			LOCAL GOVERNMENTS AND SCHOOL DISTRICTS TO PAY INTEREST ON OVERDUE ACCOUNTS			
HB0277	3/04	3/09	3/12 3/16	CONCUR AS AMENDED		3/16
MANUEL, REX			ALLOW PRIVATE PARTIES TO RUN JAILS; EXEMPT JAILS FROM FINANCING LIMITS			
HB0299	2/09	3/09		CONCUR		3/9
EUDAILY, RALPH S.			COUNTY PRINTING - BIDS BY NONRESIDENTS - RESIDENT 5% PREFERENCE			
HB0328	2/14	3/09		TABLED		
HANNAH, TOM			SINGLE LOCAL BANK TO BID ON INTEREST PAID ON DEPOSITS OF PUBLIC FUND			
HB0333	2/12	3/05	3/07	CONCUR AS AMENDED		3/7
BRADLEY, DOROTHY			ALLOW A JP OR MUNICIPAL JUDGE TO NAME A PERSON TO ACT AS JUDGE IN HIS BEHALF			
HB0345	2/08	3/12		CONCUR		3/12
SPAETH, GARY			COMMERCE TO ADMINISTER COMMUNITY DEVELOPMENT BLOCK GRANT			
HB0379	2/13	3/12		CONCUR		3/12
GARCIA, RODNEY L.			OPTIONAL PUBLICATION REQUIREMENTS FOR COUNTY COMMISSIONERS			
HB0384	2/25	3/19		CONCUR		3/19
BERGENE, TONI R.			NO ELECTION ON ANNEXATION IF ALL PROPERTY OWNERS OF AREA SIGN PETITION			
HB0414	2/21	3/12	3/16	CONCUR		3/16
IVERSON, DENNIS			PUBLIC SAFETY COMMISSION EMPLOYEES - SALARY, WORKPERIOD, AND OVERTIME			
HB0431	2/22	3/12		CONCUR		3/12
NATHE, DENNIS G.			REQUIRE SHERIFF'S SALE TO BE POSTED & PUBLISHED 1 WEEK BEFORE SALE			

HOUSE BILL NO. 384
INTRODUCED BY BERGENE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do not pass.
February 16, 1985	Objection to adverse committee report.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, pass consideration until 40th Legislative Day.
February 21, 1985	Second reading, do pass as amended.
February 22, 1985	Correctly engrossed.
February 23, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 25, 1985	Introduced and referred to Committee on Local Government.
March 20, 1985	Committee recommend bill be concurring in. Report adopted.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Ayes, 46; Noes, 3. Returned to House.

IN THE HOUSE

March 26, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 384
2 INTRODUCED BY Bergne
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
5 ELECTION ON THE QUESTION OF WHETHER TO ANNEX IS NOT
6 NECESSARY IF ALL THE PROPERTY OWNERS IN THE TERRITORY TO BE
7 ANNEXED HAVE SIGNED THE ANNEXATION PETITION; AMENDING
8 SECTIONS 7-2-4601 AND 7-2-4606, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-2-4601, MCA, is amended to read:

12 "7-2-4601. Annexation by petition. (1) The boundaries
13 of any incorporated city or town, whether heretofore or
14 hereafter formed, may be altered and new territory or
15 territories annexed thereto, incorporated and included
16 therein, and made a part thereof upon proceedings being had
17 and taken as provided in this part.

18 (2) The council or other legislative body of any such
19 municipal corporation, upon receiving a written petition
20 therefor containing a description of the new territory or
21 territories asked to be annexed to the corporation and
22 signed by not less than 33 1/3% of the registered electors
23 of the territory proposed to be annexed, must without delay
24 submit to the electors of the municipal corporation and to
25 the registered electors residing in the territory or

1 territories proposed by the petition to be annexed to the
2 corporation, the question whether the new territory or
3 territories shall be annexed to, incorporated in, and made a
4 part of the municipal corporation.

5 (3) (a) The governing body of a municipality need not
6 submit the question of annexation to the qualified electors
7 as provided in subsection (2)~~7--upon--receiving if it has~~
8 received a written petition containing a description of
9 territory requested to be annexed and signed by:

10 (i) more than 50% of the resident freeholder electors
11 of the territory to be annexed~~7; need--not--submit--the~~
12 ~~question-of-annexation-to-the-qualified-electors-as-provided~~
13 ~~in-subsection-(2)-or~~

14 (ii) all the owners of property in the territory to be
15 annexed.

16 (b) The governing body may approve or disapprove the a
17 petition submitted under the provisions of subsection (3)(a)
18 upon its merits. When the governing body approves the
19 petition, it shall pass a resolution providing for the
20 annexation."

21 Section 2. Section 7-2-4606, MCA, is amended to read:

22 "7-2-4606. Resolution of annexation. (1) (a) If it is
23 found that a majority of votes were cast in favor of the
24 annexation, the city or town council or other legislative
25 body shall, at a regular or special meeting held within 30

1 days thereafter, pass and adopt a resolution providing for
2 such annexation.

3 (b) Such resolution shall recite that a petition has
4 been filed with the said council or other legislative body
5 with a sufficient number of signatures of 33 1/3% of the
6 resident freeholder electors of the territory proposed to be
7 annexed; a description of the boundaries of the territory or
8 territories to be annexed; a copy of the resolution ordering
9 a general or special election thereof, as the case may be; a
10 copy of the notice of such election; the time and result of
11 the canvass of the votes received in favor of annexation and
12 the number thereof cast against annexation; and that the
13 boundaries of such city or town, by such resolution, shall
14 be extended so as to embrace and include such territory or
15 territories as the same are described in the petition for
16 annexation, which said resolution shall be incorporated in
17 the minutes of said council or legislative body.

18 (2) A resolution adopted pursuant to 7-2-4601(3) must
19 include a statement that a petition has been filed with the
20 governing body containing the signatures of more than 50% of
21 the resident freeholder electors or the owners of all of the
22 territory to be annexed; a description of the boundaries of
23 the territory to be annexed; and a statement that the
24 boundaries of the municipality are to be extended to include
25 the territory described in the petition for annexation. The

1 resolution shall be incorporated in the minutes of the
2 governing body. Upon incorporation in the minutes, the
3 resolution must be filed and becomes effective as provided
4 in 7-2-4607."

-End-

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 19, 1985

The twenty-fourth meeting of the Local Government Committee was called to order at 12:30 p.m. on March 19, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 384: Representative Toni Bergene, District #41, is the sponsor of this bill. The bill was introduced to provide that an election on the question of whether to annex is not necessary if all the property owners in the territory to be annexed have signed the annexation petition.

PROPONENTS

Alec Hansen, representing the Montana League of Cities and Towns, stated his support of the bill.

Al Sampson, representing the City of Missoula, spoke in favor of the bill. His written testimony is attached as Exhibit A to these minutes.

Vern Erickson, representing the Montana State Firemens' Association, stated his support of the bill.

Gene Thompson, a member of the Board of Directors of Flathead Water District No. 1, spoke in favor of the bill. His written testimony is attached as Exhibit B to these minutes.

OPPONENTS

There were no opponents to HB 384.

Chairman Fuller opened the hearing for Committee questions.

Senator McCallum expressed concern as to whether this bill would apply to non-contiguous land. Karen Renne explained that the purpose of the bill is to allow an absent property owner to petition for annexation. The bill has nothing to do with contiguous or non-contiguous land.

The hearing was closed on HB 384.

CONSIDERATION OF HOUSE BILL 505: Representative Dennis Nathe, District #19, is the sponsor of this bill. The bill was introduced to clarify that towns and cities of the second and

March 19, 1985

Gary Marbut, representing the Montana Council of Organizations, spoke in opposition to the bill. He does not agree with local government having the ability to stop the time period by challenging the validity of a petition before the signatures are collected. The bill has great potential for frustrating the usefulness of the petition process to the cities.

Pete Penner, a Missoula resident, spoke in opposition to the bill. His written testimony is attached as Exhibit D to these minutes.

Senator Ethel Harding, District #25, spoke in opposition to the bill. She said to have an appointed person put on the line for doing their job is absolutely appalling.

Arwood Stickney, a Missoula resident, spoke in opposition to the bill. He said government already has too heavy of a hand and this bill would only make it worse.

Chairman Fuller opened the hearing for Committee questions.

Senator Pinsoneault expressed his concern that the city would be suing itself in this bill. Representative Kadas responded that he tried to pattern the bill on the same procedures used at the State level.

The hearing was closed on HB 673.

ACTION TAKEN ON HOUSE BILL 384: Senator Mohar moved that HB 384 BE CONCURRED IN. The motion passed with Senators McCallum and Hirsch voting no. Senator Mohar will carry the bill.

ACTION TAKEN ON HOUSE BILL 558: Senator McCallum moved that the twenty days in the bill be replaced by forty-five days.

Senator Eck made a substitute motion that it be replaced with thirty days. The substitute motion failed with Senators Crippen, Hirsch, Harding, McCallum, Story, Pinsoneault, and Mohar voting no and Senators Eck, Regan, and Fuller voting yes.

Senator McCallum's original motion passed with Senator Mohar voting no.

Senator Eck moved the bill be amended to extend the time period in the title of the bill. The motion passed unanimously.

Senator Crippen moved that HB 558 as amended BE CONCURRED IN. The motion passed unanimously. Representative Rehberg will let us know who will carry the bill.

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
LEGISLATIVE SESSION -- 1985

Date 3-19-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
44 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 20

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration.....

No. 384

THIRD

reading copy (

BLUE

color

(NGEAR WILL CARRY)

NO ELECTION ON ANNEXATION IF ALL PROPERTY OWNERS OF
AREA SIGN PETITION

Respectfully report as follows: That.....

HOUSE BILL

No. 384

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Dave Fuller

Chairman



201 W. SPRUCE • MISSOULA, MT 59802 • (406) 721-4700

TO: SENATE LOCAL GOVERNMENT COMMITTEE

RE: HOUSE BILL 384: ANNEXATION BY PETITION

This bill simply gives a property owner who does not reside on his properties the same right to petition the city government to annex his properties as a resident freeholder now enjoys.

Presently, a resident freeholder may request by petition and the city may annex property if they feel it is in the best interest of the city even if the property is not contiguous to the existing city limits.

This is not true if an owner does not reside on the property. Even though the owner petitions and the city deems it in the best interest of all concerned, the property may not be annexed unless it is contiguous to the existing city limits.

There are several such areas in the Missoula area where people have requested the extension of sewer and the receipt of other city services. In some instances, the city has allowed the sewer extension under a contract sewer arrangement with an annexation protest waiver. And, in some cases, it was found not to be practical and the request was either dropped or denied.

This bill would give citizens more flexibility and options to develop their land and also will aid cities and planning departments in a more orderly growth. I urge your favorable consideration.

Al Sampson
Alderman
Missoula, MT

HB384
LOCAL GOVERNMENT COMMITTEE
MARCH 19, 1985
EXHIBIT B

My name is Gene Thompson. I am a member of the Board of Directors of Flathead Water District No. 1, better known as the Evergreen Water District, and I speak in their behalf in favor of HB384.

When the Water District was formed in 1966 several areas within the boundary were excluded. These islands within the District, but not a part of the District, were the result of individuals and small Home-owner's Associations petitioning for exclusion, because they had their own wells.

Over the years these wells have failed through lack of maintenance, or they have become contaminated by septic tank pollution. The Water District has extended service to these areas, but has been unable to annex them into the District, because of the present law. It requires that 40% of those registered to vote in both the annexation areas and the existing District must vote to validate the election. It is not difficult to get those requesting annexation to vote, but there is no incentive for those already in the District.

HB384 will make consolidation much easier, and will make it possible for all those now receiving water to have a say in the administration of the District.

NAME Lina Thompson
ADDRESS 330-Grandview, Kellwell, Mt. BILL NO. H B 384
WHOM DO YOU REPRESENT Evergreen Water Service District DATE 3-19-85
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Local Gov't

5-17-85

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with your board)

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

49th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 373	1-23-85	2-7-85	2-7-85	2-7-85					
HB 379	1-23-85	2-7-85	2-7-85	2-7-85					
HB 382	1-23-85	2-5-85	Tabled 2-5-85						
HB 384	1-23-85	2-12-85	2-14-85		2-14-85				
HB 385	1-23-85	2-12-85	2-14-85		2-14-85				
HB 393	1-23-85	2-21-85	TABLED 3-21-85						
HB 407	1-23-85	3-26-85 2-7-85	Tabled 2-7-85			Recommendation 3-26-85			
HB 414	1-23-85	2-12-85	2-14-85			2-14-85			
HB 431	1-23-85	2-7-85	Re-referred to Judiciary						
HB 436	1-23-85	2-2-85	2-2-85			2-2-85			
HB 457	1-24-85	2-9-85	2-9-85			2-9-85			
HB 465	1-24-85	2-9-85	2-9-85			2-9-85			
HB 470	1-24-85	2-5-85	WITHOUT 2-9-85	RECOMMENDATION					
HB 496	1-28-85	2-14-85	2-14-85			2-14-85			
HB 504	1-28-85	2-14-85	2-14-85		2-14-85				
HB 505	1-28-85	2-9-85	2-9-85			2-9-85			

the petition.

PROPONENTS: Jim Nugent, City Attorney for the City of Missoula, presented written testimony in support of the bill. This is attached as Exhibit 1. He stated that the purpose of this bill is to move up the point in time at which a local government could request a court ruling as to the validity or constitutionality of an initiative petition proposal, and is it in the best public interest. He called attention to line 14, page 1, which says 30 days, and suggested that be shortened to 10 working days or 15 calendar days.

John Toole, Mayor of Missoula, stated this bill is kind of a cleanup bill that makes it possible to appear on the ballot legally.

There were no opponents present to HB 673.

In closing, Rep. Kadas said he thinks this could save a lot of time and energy, as well as local antagonism.

DISCUSSION OF HOUSE BILL NO. 673: Rep. Brandewie asked Rep. Kadas about page 2, line 2, which says the complaint shall name as defendant the person who submitted the petition. Rep. Kadas replied it was checked as to the legality of it.

CONSIDERATION OF HOUSE BILL NO. 384: Rep. Toni Bergene of District #41, appeared before the committee as sponsor of the bill. She explained this legislation will give a property owner who does not reside on the property the same right to annex property as a resident now enjoys.

PROPONENTS: Jim Nugent, City Attorney for the City of Missoula, and representing the Montana City Attorneys' Association, said the purpose of the bill is intended to be a housekeeping measure. It currently allows electors to petition for annexation. It does not include a person who does not live on the land to be annexed to be able to petition the city government to annex his properties. He proposed an amendment for page 2, line 14 (ii) to insert "any one owner".

Alec Hansen, representing the Montana League of Cities and Towns, said this is a problem all across the state of Montana. They feel it is logical that property owners should have the right to petition and also have the right to use all city services. For this reason they support the bill.

Greg Jackson, representing the Urban Coalition, stated they would like to go on record as supporting HB 384.

Al Sampson, alderman from the city of Missoula, passed out written testimony in support of HB 384, which is attached as Exhibit 1.

Vern Erickson, representing the Montana Firemens' Association, stated they would like to go on record in support of the bill.

Al Johnson, City Manager of Great Falls, stated both HB 384 and 385 are part of the Montana League of Cities and Towns' package. It is to clarify annexation laws in this state and he asked the committee's favorable consideration of HB 384.

There were no opponents to HB 384.

In closing, Rep. Bergene asked the committee's support of this bill.

DISCUSSION OF HOUSE BILL NO. 384: Rep. Pistoria asked Rep. Bergene what effect this bill would have on Black Eagle in Great Falls if there is someone who would like to be annexed but does not live on the property. She answered it needs to be an owner of the property but he doesn't have to reside there.

Rep. Wallin questioned if they were talking about undeveloped land and if the person living on the land is a freeholder. He received the answer that no, if that person who is developing the property would like to be annexed, it would give that person who owns the property but does not live on it the right to come into the city.

CONSIDERATION OF HOUSE BILL NO. 385: Rep. Bergene, sponsor of the bill, presented it to the committee and explained that the bill will expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous.

PROPOSERS: Jim Nugent, City Attorney of Missoula, presented written testimony in support of HB 385. This is attached as Exhibit 1. He said this is another bill that is considered a housekeeping bill. He also proposed an amendment which is attached as Exhibit 2.

Ardi Aiken, City Commissioner from Great Falls, stated she is here in support of HB 385, which would expand the definition of land considered contiguous. Local governments do need to be given more options in decision making. This bill will provide this in the annexation process. Therefore, she asked the committee's favorable consideration of the bill.

Vern Erickson, representing the Montana Firemens' Association, Missoula, stated he would like to go on record in support of this bill.

Al Sampson, alderman from the city of Missoula, passed out written testimony in support of this bill. This is attached as Exhibit 3.

(Type in committee members' names and have 50 printed to start).

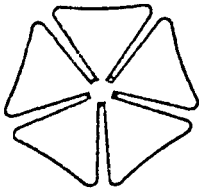
DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 12, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓ <i>late</i>		
Ray Brandewie	✓		
Dave Brown	✓ <i>late</i>		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		



THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

OFFICE OF THE CITY COUNCIL
201 West Spruce Street
Phone 721-4700

To: House Local Government Committee

Re: House Bill 384: Annexation by Petition

This bill simply gives a property owner who does not reside on his properties the same right to petition the city government to annex his properties as a resident freeholder now enjoys.

Presently, a resident free holder may request by petition and the city may annex property if they feel it is in the best interest of the city even if the property is not contiguous to the existing city limits.

This is not true if an owner does not reside on the property. Even though the owner petitions and the city deems it in the best interest of all concerned, the property may not be annexed unless it is contiguous to the existing city limits.

There are several such areas in the Missoula area where people have requested the extension of sewer and the receipt of other city services. In some instances, the city has allowed the sewer extension under a contract sewer arrangement with an annexation protest waiver. And, in some cases, it was found not to be practical and the request was either dropped or denied.

This bill would give citizens more flexibility and options to develop their land and also will aid cities and planning departments in a more orderly growth. I urge your favorable consideration.

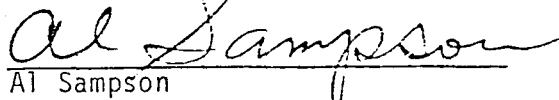

Al Sampson
Alderman
Missoula, Montana

Exhibit 1
HB 384
2-12-85
Rep. Bergene

Amend House Bill 384

1. Page 2, line 14.

Following: "(ii)"

Insert: "any one owner or"

Following: "of"

Insert: "the"

VISITORS' REGISTER

Local Government COMMITTEEBILL NO. HB 384DATE Feb. 12, 1985SPONSOR Rep. Bergene

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<u>V. Lucken</u>	<u>Missoula</u>	<u>✓</u>	
<u>Jim Nugent</u>	<u>Missoula</u>	<u>✓</u>	
<u>Al Singsen</u>	<u>Missoula</u>	<u>✓</u>	
<u>R. A. Ellis</u>	<u>Helena Valley</u>		<u>✓</u>
<u>Lyle P. Nagel</u>	<u>Simms</u>		<u>✓</u>
<u>Greg Jackson</u>	<u>Urban Coalition</u>	<u>✓</u>	
<u>Steve Cottrell</u>	<u>City of Bozeman</u>	<u>✓</u>	
John			
<u>Julie Hacker</u>	<u>JR. Bozeman</u>		<u>✓</u>
<u>Wendy Calahan</u>	<u>JR. Bozeman</u>		<u>✓</u>
<u>John G. Fox</u>	<u>Missoula</u>		<u>✓</u>
<u>David L. Fox</u>	<u>MISSOULA</u>		<u>✓</u>
<u>Ellen Smoother</u>	<u>Missoula</u>		<u>✓</u>
<u>Verna Smoother</u>	<u>Missoula</u>		<u>✓</u>
<u>Andi Hjelen</u>	<u>Great Falls</u>	<u>✓</u>	
<u>John R. Wittenberg</u>	<u>Missoula</u>		<u>✓</u>
<u>Kerth Verral</u>	<u>Missoula</u>		<u>✓</u>
Bill Verweilt	<u>Helena</u>	<u>✓</u>	
<u>Al Johnson</u>	<u>Great Falls</u>	<u>✓</u>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Rep. Kadas said that if people had problems with it, they would have testified against it.

Rep. Hansen asked Rep. Gilbert why he wouldn't want to protect his ground water from pollution, and Rep. Gilbert replied that he does want it, but there is a problem with people not being qualified to take care of the problem.

Rep. Brown then offered a substitute motion to put a (.) period after "surface runoff" on line 29, page 3. Rep. Brandewie said he sees a problem with leaving section (vi) in there. Rep. Darko seconded Rep. Brown's substitute motion to amend. Question being called for, motion FAILED.

Question was then called for on Rep. Brandewie's motion to strike Subsection (vi), and motion PASSED on a 9 to 5 vote. Rep. Kadas then moved that HB 727 DO PASS AS AMENDED, and this was seconded by Rep. Hansen. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved to DO PASS, and this was seconded by Rep. Sales. Rep. Kitselman moved to amend, seconded by Rep. Brown. Rep. Gilbert asked Lee Heiman if this is airtight so that we will not have the same situation as Shelby with the deputy sheriffs. Lee Heiman answered that he felt this accomplishes that.

Rep. Sands asked what it has done by adding 7-4-2510, and Lee Heiman answered this is the longevity. Rep. Sands then asked if 7-4-2508 is a sliding scale for employees of the department of public safety, and Lee Heiman replied no, but it is a sliding scale for sheriff salaries.

Question was called for, and motion CARRIED.

Rep. Brown then moved that HB 414 DO PASS AS AMENDED, which was seconded by Rep. Sales. Question being called for, motion CARRIED, with Rep. Pistoria and Rep. Switzer opposed.

DISPOSITION OF HOUSE BILL NO. 239: Rep. Wallin moved a DO PASS for HB 239, seconded by Rep. Brown. Rep. Sales moved amendments submitted by Sue Bartlett, Lewis and Clark County Clerk and Recorder. Rep. Brown seconded this motion. Question being called for, motion CARRIED. Rep. Sales then moved Rep. Wallin's amendments which were presented at the time of the bill, (front side of Bartlett's amendment), and this was seconded by Rep. Wallin. Rep. Brandewie stated he would like to see it all together, and moved that it be turned into a grey bill which would be drafted with all amendments included.

DISPOSITION OF HOUSE BILL NO. 384: Rep. Switzer moved that HB 384 DO NOT PASS, and this was seconded by Rep. Gilbert. Question being called for, motion CARRIED, with Rep. Kadas, Rep. Hansen, Rep. Fritz, Rep. Sales, and Chairman Darko voting "no". Rep. Sands did not vote.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 14, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓ late		
Dave Brown	✓ late		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓ late		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

AMEND HOUSE BILL 384

1. Page 2, line 14.

Strike: "all"

Following: "owners"

Insert: "or owner"

Following: "of"

Insert: "all the"